



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Brent M. Ahalt, Esq.  
McNamee Hosea, P.A.  
6411 Ivy Lane, Suite 200  
Greenbelt, MD 20770

**AUG 25 2016**

RE: MUR 6878

Dear Mr. Ahalt:

The Federal Election Commission reviewed the allegations in the complaint submitted by your client, OnMessage, Inc., to the Commission on October 9, 2014. Based upon the information provided in the complaint, and information provided by the respondents, the Commission found no reason to believe that the Committee violated the Act. Accordingly, the Commission closed its file in this matter on August 17, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). A copy of the Commission's Factual and Legal Analysis is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Daniel A. Petalas  
Acting General Counsel

A handwritten signature in black ink, appearing to read "J. S. Jordan".

BY: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

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3 RESPONDENTS: Dewhurst for Texas MUR 6878  
4 and Dr. Carlos R. Hamilton, Jr.,  
5 as treasurer  
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8 **I. INTRODUCTION**  
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10 This matter was generated by a Complaint filed by Brad Todd on behalf of OnMessage,  
11 Inc., (“Complainant”) on October 6, 2014, alleging violations of the Federal Election Campaign  
12 Act of 1971, as amended (the “Act”) and Commission regulations by Dewhurst for Texas and  
13 Dr. Carlos R. Hamilton, Jr., in his official capacity as treasurer (collectively the “Committee”).  
14 It was scored as a relatively low-rated matter under the Enforcement Priority System, a system  
15 by which the Commission uses formal scoring criteria as a basis to allocate its resources and  
16 decide which matters to pursue.

17 **II. FACTUAL AND LEGAL ANALYSIS**

18 According to the Complainant, the Committee violated the Act by failing to report debt in  
19 disclosure reports filed with the Commission.<sup>1</sup> Specifically, Brad Todd on behalf of the  
20 Complainant, OnMessage, Inc. alleges that the Committee failed to disclose \$116,548.90 owed  
21 to them for services provided during Dewhurst’s bid for Senate in 2012 in its 2014 July  
22 Quarterly report.<sup>2</sup> In its response, the Committee acknowledges the debt and asserts that it did  
23 disclose it in its 2014 July Quarterly report, but maintains that because of an administrative error,  
24 only one side of its two-sided report was published to the FEC’s online database and, therefore,

<sup>1</sup> Compl. at 3 (October 6, 2014).

<sup>2</sup> *Id.* The Committee disclosed this debt in its earlier 2014 April Quarterly report, filed with the Commission on April 10, 2014.

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1 the debt in question was not displayed in its report.<sup>3</sup> The Committee, when it learned that a  
2 portion of its report was not publicly disclosed, contacted the Commission's Reports Analysis  
3 Division ("RAD") to correct the report on the Commission's website.<sup>4</sup> The Committee filed an  
4 amended 2014 July Quarterly report that included the outstanding debt owed to OnMessage, Inc.,  
5 as well as other missing information, on October 31, 2014.<sup>5</sup>

6 Committee treasurers are required to file reports of receipts and disbursements in  
7 accordance with the provisions of the Act.<sup>6</sup> The reports must include the amount and nature of  
8 outstanding debts and obligations owed by or to the political committee.<sup>7</sup> The Commission's  
9 regulations specify, in pertinent part, that a debt or obligation exceeding \$500 must be disclosed  
10 in the report that covers the date on which the debt or obligation is incurred.<sup>8</sup>

11 The Committee complied with the requirements of the Act and the Commission's  
12 regulations when it disclosed its obligation to OnMessage, Inc., in its 2014 July Quarterly report.  
13 According to RAD, the Office of the Secretary of the Senate appears to have inadvertently failed  
14 to scan the odd pages of the Committee's original 2014 July Quarterly report for publication to  
15 the Commission's website during the initial processing of the report. Through no fault of the  
16 Committee, because of this administrative error the page of the report disclosing this debt, as  
17 well as other information, was not included on the Commission's database. When the  
18 Committee learned of the error, it immediately contacted RAD to determine the best way to

<sup>3</sup> Resp. at 1 (October 29, 2014).

<sup>4</sup> *Id.*

<sup>5</sup> 2014 July Quarterly report, amended (October 31, 2014).

<sup>6</sup> 52 U.S.C. § 30104(a)(1), 11 C.F.R. § 104.1(a).

<sup>7</sup> 52 U.S.C. § 30104(b)(8); 11 C.F.R. § 104.3(d).

<sup>8</sup> See 11 C.F.R. § 104.11(b).

1 resolve this issue and amended its report so that the missing information was included on the  
2 Commission's website.

3 Accordingly, the Commission found no reason to believe that Dewhurst for Texas and  
4 Dr. Carlos L. Hamilton, Jr., in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(8)  
5 and 11 C.F.R. § 104.3(d).

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